

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
The Cincinnati Gas & Electric Company,)	
)	
Complainant,)	
)	
v.)	Case No. 05-1116-AU-PWC
)	
Amberley Village,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On May 17, 2005, Amberley Village, Ohio, filed notice, in Case No. 05-641-AU-PWN, that it intended to consider enactment of a public way ordinance. According to the complaint and answer filed by the parties in the present proceeding, it did enact Ordinance 2005-14 (ordinance) on August 8, 2005.
- (2) On September 7, 2005, the Cincinnati Gas & Electric Company (CG&E) filed a complaint with this Commission against the city of Forest Park concerning the ordinance.
- (3) On September 9, 2005, the attorney examiner in this case issued an entry ordering the docketing division of the Commission to serve a copy of the complaint on Amberley Village. The attorney examiner also ordered Amberley Village to file its answer to the complaint no later than October 3, 2005.
- (4) On September 27, 2005, Amberley Village filed its answer.
- (5) On October 12, 2005, the Commission suspended the public way fee provisions under the ordinance, pursuant to Section 4939.06(B), Revised Code, for the duration of the Commission's consideration of the complaint.

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- (6) On October 25, 2005, Time Warner Telecom of Ohio, LLC (Time Warner) filed a motion to intervene in this proceeding. That motion was granted by entry dated January 9, 2006.
- (7) Following lengthy efforts to resolve the issues in this proceeding and numerous requests by the parties to delay the process, on April 16, 2007, Time Warner filed a motion to withdraw its intervention and Duke filed a motion to dismiss the complaint, stating that the dispute has been resolved.
- (8) In light of the resolution of this matter, the Commission finds that the motions should be granted and the case should be dismissed, with prejudice. In addition, as the Commission's consideration of this matter is now completed, the suspension of the fee provisions of the ordinance should be terminated.

It is, therefore,


ORDERED, That the motion by Time Warner to withdraw its intervention be granted. It is, further,

ORDERED, That the motion by Duke to dismiss its complaint be granted. It is, further,

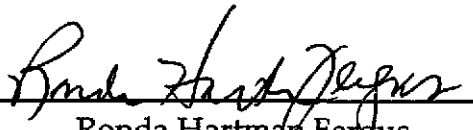
ORDERED, That the suspension of the fee provisions of Amberley Village Ordinance 2005-14 be terminated. It is, further,

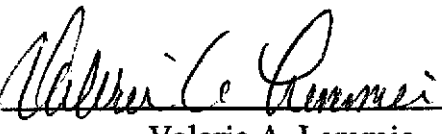
ORDERED, That a copy of this entry be served upon all parties of record in this case.

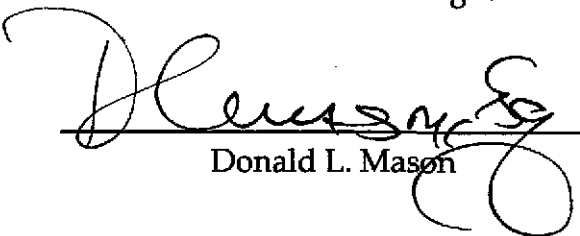
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus


Valerie A. Lemmie


Donald L. Mason

JWK;geb

Entered in the Journal
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Renee J. Jenkins
Secretary